

Resumé

The title of this work is Expropriation Of Real Property. I chose this theme because of its magnitude, attractiveness and exceptional character. It is a necessary part of legal systems in modern states, really important for their development. The true essence of this institute consists in involuntary authoritative limitation or total seizure of private as well as public legal subjects's property. On the other side the expropriation is absolutely subsidiary institute applicable only as the last solution.

Property right pertains to the most fundamental human rights. Legal rules which include protection of the proprietary right, mostly includes also possibility to expropriate this right. In international law we can find it in The First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms. In Czech legal system the constitutional amendment of the expropriation and also the protection of possession can be found in Article 11 of the Bill of Fundamental Rights and Freedoms, besides the Civil Code regulates it too.

The legal institute of expropriation is not very old. The ancient Roman law didn't know it. It would be too big intervention to their conception of absolutely inviolable possession. The expropriation begins getting into legal systems with an advent of modern age and industrial revolution. New technical abilities and a will of society after development and growth of life's level demanded suddenly a lot of ground for constructing new transport and common useful buildings. The expropriation became a legal instrument for achieving it.

There is a new legal regulation of expropriation in the Czech Republic from the 1st January 2007. A new Expropriation Act became instrumental then. It contains an explanation of cohering basic terms, individual conditions of expropriation (most of them are found directly in the Bill of Fundamental Rights and Freedoms), and regulation of expropriative process. Expropriation is an institute of the administrative law and the process of its enforcement takes place, in order to the new Code, before a special administrative body, the authority of expropriation.

Expropriation is possible only by fulfilling of all basic legal conditions. It means particularly, that one can be expropriated only on a basis of law. Individual purposes of expropriation take place in special acts. There also must exist a common interest on realization of some of these purposes. The existence of common interest

must be proved during the expropriative process. There always must be paid out a compensation for the expropriated real property and every owner of this property can find a protection in civil proceeding.

In this work I try to explain the essence of the institute of expropriation. Then to describe the history of its legal regulation as well as legal regulation at present. The main part of the work contains analysis of expropriative conditions and process within the framework of administrative law.

Key words:

odnětí vlastnického práva – seizure of property

veřejný zájem – common interest

zákon o vyvlastnění – Expropriation Act